

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4037 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

KALIDAS NARANBHAI PATEL

Versus

A'BAD MUNICIPAL SCHOOL BOARD

Appearance:

MR MM JADEJA for Petitioner
None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/11/1999

ORAL JUDGEMENT

#. Heard the learned counsel for the petitioners.

#. From the record of the special civil application, I find that the pay of the petitioners has been revised in pursuance of the recommendation of the I.G.Thakore award with effect from 1.1.73. Further, the pay of the petitioners was also revised accordingly and the revised pay scale and arrears of fixation have also been given but retirementary benefits were not given on the basis of

pay which has been fixed in the revised pay scale and this grievance is made in this special civil application.

#. On the record of the special civil application, I fail to see any justification in approach of the respondents in not fixing retirement benefits of the petitioners on the basis of pay fixed in the revised pay scale from 1.1.73. Otherwise also, once the claim of the petitioners is accepted of the revised pay scale, their pay is accordingly revised and they have been given all the arrears of fixation ext. from 1.1.73, they are entitled for all the retirement benefits to be calculated on the basis of pay which has been fixed in the revised pay scale prior the date of their retirement and they were drawing on the date of the retirement.

#. It is necessary to mention here that the claim of petitioners is only restricted for payment of gratuity.

#. As a result of aforesaid discussion, this writ petition succeeds and the respondents are directed to accordingly determine the amount of gratuity payable to the petitioners on the basis of last pay drawn by them under the revised pay scale effective from 1.1.73. This exercise has to be undertaken and completed within a period of two months from the date of the receipt of writ of this order and difference of amount, i.e. the amount of gratuity which is found payable on the basis of revised pay scale shall be paid to them within a period of one month next. Rule is made absolute in aforesaid terms with no order as to costs.

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[sunil]